

**REMARKS/ARGUMENTS**

**INTRODUCTORY COMMENTS:**

In a previous Office Action, claims 1, 3, 25, 28, and 30 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,989,402 to Chow et al. ("Chow"). Claims 2, 4-8, 10-12, and 26 were objected to as being dependent from a rejected base claim, but would be allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims. In response, applicants attempted to clarify the inventive subject matter by amending claims 1, 25, and 28 to indicate that the separation units of the invention are each effective to carry out a different analytical application of interest and that the microchannel in each separation unit is of a different length corresponding to the application of interest for the separation unit containing the microchannel..

In the Office Action under reply, the Examiner was not persuaded by applicants' arguments. Accordingly claims 1, 3, 25, 28, and 30 remain rejected, and the remaining claims allowable but for their dependence from a rejected claim.

The rejections are addressed in part by the above amendments to the claims and are otherwise traversed for reasons that will be discussed in detail below.

**THE ABOVE AMENDMENTS:**

Claims 1, 25, and 28 have been amended to set forth that at least one of the separation units of the invention is *chip-shaped and comprised of first and second substrates and that each substrate has a surface that faces and joins the surface of the other, thereby forming the microchannel*. Support for the amendment can be found, for example, in FIGS. 3-6 and accompanying text on page 8, line 16, to page 10, line 13. Claim 2 has been amended to eliminate redundant recitation of claim elements.

Thus, all pending claims are fully supported by the original disclosure of the application, and no new matter has been added.

**STATUS OF THE CLAIMS:**

Upon entry of the amendments, claims 1-8, 10-12, 25, 26, 28, and 30 are pending, claims 1, 2, 25, and 28 are amended, and claims 3-8, 10-12, 25, 26, and 30 remain unchanged from the response to the previous Office Action.

**THE 35 U.S.C. §102(E) REJECTION OVER CHOW:**

Claims 1, 3, 25, 28, and 30 remain rejected as anticipated by Chow et al. In issuing this rejection, the Examiner maintains the position taken in the most recent previous Office Action. In response to applicants' arguments, the Examiner states that the pending claims are directed to an apparatus but characterizes the clarifying amendments of as nonstructural in nature. In particular, the Examiner contends that the previously introduced amendments set forth "process or use limitations [which] are accorded no patentable weight."

Applicants again respectfully disagree with the Examiner's statements for the reasons put forth in the responses dated August 19, 2002 and July 11, 2003. In addition, it is well known in the art that separation columns or capillaries having structural differences are needed to separate different analytes. Thus, since the columns or capillaries recited in the claims, as recognized by the Examiner, perform different functions, the columns or capillaries also exhibit structural differences. Furthermore, since there is no evidence that indicates that the device of Chow et al. is capable of performing the function of the apparatuses, kits, or microdevices as claimed, there is no reason to think that the structure of the claimed apparatus, kit, or microdevice is taught or suggested by Chow et al.

Nevertheless, to expedite prosecution, applicants have amended the claims to indicate that the at least one separation unit of the invention is ***chip-shaped and comprised of first and second substrates, each having a surface that faces and joins the surface of the other, thereby forming the microchannel.*** Such chip-shaped separation units, as suggested by the Examiner, are neither taught nor suggested in the cited art. Accordingly, applicants respectfully request withdrawal of the rejection.

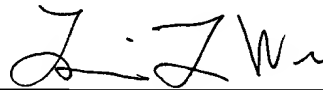
**CONCLUSION**

For all of the above reasons, it is submitted that the pending claims define an invention that is patentable over the art. As the application should now be in condition for allowance, a prompt indication to that effect would be appreciated.

If the Examiner has any questions concerning this communication, he is welcome to contact Michael Beck at (650) 485-3864.

Respectfully submitted,

By:



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